



Rep. Daniel V. Beiser

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09700HB5341ham002

LRB097 18349 PJG 67803 a

1 AMENDMENT TO HOUSE BILL 5341

2 AMENDMENT NO. _____. Amend House Bill 5341 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pawnbroker Regulation Act is amended by
5 changing Section 12 as follows:

6 (205 ILCS 510/12)

7 Sec. 12. Hold order.

8 (a) For the purposes of this Section, "hold order" means a
9 written legal instrument issued to a pawnbroker by a law
10 enforcement officer commissioned by the law enforcement agency
11 of the municipality or county that licenses and regulates the
12 pawnbroker, ordering the pawnbroker to retain physical
13 possession of pledged goods in the possession of the pawnbroker
14 or property purchased by and in the possession of the
15 pawnbroker and not to return, sell, or otherwise dispose of
16 such property as such property is believed to be

1 misappropriated goods.

2 (b) Upon written notice from a law enforcement officer
3 indicating that property in the possession of a pawnbroker and
4 subject to a hold order is needed for the purpose of furthering
5 a criminal investigation and prosecution, the pawnbroker shall
6 release the property subject to the hold order to the custody
7 of the law enforcement officer for such purpose and the officer
8 shall provide a written acknowledgment that the property has
9 been released to the officer. The release of the property to
10 the custody of the law enforcement officer shall not be
11 considered a waiver or release of the pawnbroker's property
12 rights or interest in the property. Upon completion of the
13 criminal investigation, the property shall be returned to the
14 pawnbroker who consented to its release; except that, if the
15 law enforcement officer has not completed the criminal
16 investigation within 120 days after its release, the officer
17 shall immediately return the property to the pawnbroker or
18 obtain and furnish to the pawnbroker a warrant for the
19 continued custody of the property.

20 The pawnbroker shall not release or dispose of the property
21 except pursuant to a court order or the expiration of the
22 holding period of the hold order, including all extensions.

23 In cases where criminal charges have been filed and the
24 property may be needed as evidence, the prosecuting attorney
25 shall notify the pawnbroker in writing. The notice shall
26 contain the case number, the style of the case, and a

1 description of the property. The prosecuting attorney may
2 retain custody of the property until the disposition of the
3 case by providing written notice to the pawnbroker. If the
4 prosecuting attorney does not retain custody of the property,
5 the ~~The~~ pawnbroker shall hold such property until receiving
6 notice of the disposition of the case from the prosecuting
7 attorney. The prosecuting attorney shall notify the pawnbroker
8 and claimant in writing within 15 days after the disposition of
9 the case. If the prosecuting attorney has retained custody of
10 the property until the disposition of the case, the property
11 shall be returned to the pawnbroker within 15 days after the
12 disposition of the case unless a court order stipulates
13 transfer of ownership to another person. A court order
14 stipulating transfer of ownership to another person shall
15 provide that the defendant pay restitution to the pawnbroker in
16 the amount received by the defendant for the property together
17 with reasonable attorney's fees plus any interest or fees due
18 to the pawnbroker.

19 (Source: P.A. 96-1365, eff. 7-28-10.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."